

# Notice of Allowability

Application No.

10/810,662

Examiner

Daniel A Hess

Applicant(s)

NAKABE ET AL.

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/9/04 amendment.
2. ☒ The allowed claim(s) is/are 10-17.
3. ☒ The drawings filed on 3/29/04 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☒ Certified copies of the priority documents have been received in Application No. 10/299,903.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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### **DETAILED ACTION**

This action is in response to an amendment received 11/9/2004, which has been placed in the file of record.

#### ***Remark on claim interpretation***

Each independent claim recites in the preamble, "...a specific time slot selected from one or a plurality of time slots..."

Examiner wishes to make clear on the record that there must be a plurality of time slots selected among; otherwise there is not a selection. In the body of the claim, which is granted more weight, the claim recites, "...decide the specific time slot to respond based on the electromotive force measured..." Clearly, for the card to decide, there must be a plurality of slots from which to make a decision. A decision cannot be made with only one time slot.

Hence, when the claim recites, "...selected from one or a plurality of time slots..." it is clear from the claim language that this can only be interpreted as, "...selected from a plurality of time slots."

#### ***Allowable Subject Matter***

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Claims 10-17 are allowed. The following is an examiner's statement of reasons for allowance:

The known prior art fails to teach or fairly suggest an arrangement whereby an electromotive force measuring unit on an IC card measures the electromotive force and selects from among a plurality of response time slots based on the specific electromotive force measured.

The nearest known prior art consists of the rather common arrangement whereby a smart card is powered by the reader itself; in this way, the response time of the card will depend on the electromotive force, but only in the sense of 'on/off' – in other words, as soon as the reader signal becomes strong enough (as a card holder approached a gate for example), the transponder will be enabled to respond.

Hikita et al. (US 6,674,546) is one example, teaches (column 3, lines 43-65) a common arrangement wherein an IC card acts as a transponder to send a response, and also (column 3, lines 65-67) derives power from the card reader.

In the case of Hikita, there is no deciding upon a particular time slot based on electromotive force measured, as recited in each amended claim; rather, there is just a response if possible, and no election of a time-slot decision.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

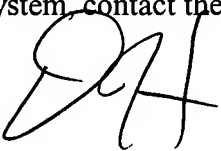
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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DH



**THIEN M. LE  
PRIMARY EXAMINER**